APPENDIX

Excerpts from pages 14 and 15 of Respondent's Brief filed in Trial Court, referred to, ante, page 14. "The defendant insurer undertook the obligation of protecting the public and was paid the premium it demanded therefor. It urges now that it should be granted the financial benefit without being compelled to assume the incidental burden contrary to Sec. 8750 R. C. M., 1935, which requires that he who takes the benefit shall also take the burden." * * * "In signing the bond and issuing the policy in conformity with the agreement the defendant agreed to such provision and is bound thereby. It is estopped by its agreement to now urge a contrary construction."

"One must not change his purpose to
the injury of another."

Sec. 8741 R. C. M.

Gilna v. Barker,
78 M. 357, 254 Pac. 174.